

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PETER GASPARRO,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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**GARY R. BROWN, United States District Judge:**

On January 21, 2020, plaintiff Peter Gasparro (“plaintiff”) commenced this action against the Commissioner of Social Security (“defendant”) seeking review of the decision of the Administrative Law Judge pursuant to section 405(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g). Accompanying the complaint is an application to proceed *in forma pauperis*. For the reasons that follow the application to proceed *in forma pauperis* is denied without prejudice and with leave to renew upon completion of the enclosed “Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)” (AO 239).

To qualify for *in forma pauperis* status, the Supreme Court has long held that “an affidavit is sufficient which states that one cannot because of his poverty pay or give security for the costs [inherent in litigation] and still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. Du Pont De Nemours & Co.*, 335 U.S. 331, 339, 69 S. Ct. 85, 93 L. Ed. 43 (1948) (internal quotation marks omitted). Plaintiff’s application does not include sufficient information for the Court to make such finding. Plaintiff indicates that he is unemployed and has not received any income from any source in the past twelve months. (*See* Docket Entry 2, ¶¶ 2-3.) Plaintiff avers that he has \$4,000 in cash or in a checking or savings account and lists regular monthly expenses, including mortgage and home equity loan payments, totaling \$3,300. (*Id.* ¶¶ 4,6.) He avers that the only item he owns of value, even any such

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CLERK

3:36 pm, Jan 28, 2020

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

**ORDER**  
20-CV-00339(GRB)

property held in someone else's name, is a boat valued at \$500. (*Id.* ¶ 5.)

Given that plaintiff's responses raise more questions about his financial status and do not permit the Court to assess plaintiff's financial position, the Court finds that plaintiff can best set forth his current financial position on the Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)" (AO 239). Accordingly, plaintiff's application to proceed *in forma pauperis* is denied without prejudice and with leave to renew upon filing the enclosed "Application to Proceed in District Court without Prepaying Fees or Costs (Long Form)" (AO 239). Alternatively, plaintiff may pay the \$400.00 filing fee. Plaintiff shall either file the Long Form or remit the filing fee within two (2) weeks of the date of this Order or this action will be dismissed without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962). The Clerk of the Court is directed to mail a copy of this Order to the *pro se* plaintiff.

**SO ORDERED.**

/s/ Gary R. Brown  
Gary R. Brown  
United States District Judge

Dated: January 28, 2020  
Central Islip, New York